

1 Michael A. Caddell (SBN 249469)  
2 mac@caddellchapman.com  
3 Cynthia B. Chapman (SBN 164471)  
4 Craig C. Marchiando (SBN 283829)  
5 **CADDELL & CHAPMAN**  
6 1331 Lamar, Suite 1070  
7 Houston TX 77010  
8 Telephone: (713) 751-0400  
9 Facsimile: (713) 751-0906

6 Devin H. Fok (SBN 256599)  
7 **THE LAW OFFICES OF DEVIN H. FOK**  
8 P.O. Box 7165  
9 Alhambra CA 91802-7165  
10 Telephone: (310) 430-9933  
11 Facsimile: (323) 563-3445  
12 devin@devinfoklaw.com

10 Leonard A. Bennett (*pro hac vice forthcoming*)  
11 Matthew J. Erausquin (SBN 255217)  
12 **CONSUMER LITIGATION ASSOCIATES, P.C.**  
13 763 J. Clyde Morris Blvd., Suite 1A  
14 Newport News VA 23606  
15 Telephone: (757) 930-3660  
16 Facsimile: (757) 930-3662

14 ***Attorneys for Plaintiff***

15 **UNITED STATES DISTRICT COURT**  
16 **CENTRAL DISTRICT OF CALIFORNIA**  
17 **WESTERN DIVISION**

17 **GARY L. SMITH, JR., on behalf of**  
18 **himself and all others similarly**  
19 **situated,**

20 **Plaintiff,**

21 **vs.**

21 **HARBOR FREIGHT TOOLS USA,**  
22 **INC.,**

23 **Defendant.**

2:13-cv-06262- JFW \_\_\_\_\_

24 **NOTICE OF RELATED CASE**  
25 **AND REQUEST FOR RELATED-**  
26 **CASE TRANSFER**

27 **JURY TRIAL DEMANDED**

28 **EXHIBIT 3**

(AGRx),CLOSED,DISCOVERY,MANADR

**UNITED STATES DISTRICT COURT for the CENTRAL DISTRICT OF  
CALIFORNIA (Western Division - Los Angeles)  
CIVIL DOCKET FOR CASE #: 2:12-cv-07960-MMM-AGR**

John Doe v. A-Check America, Inc. et al  
Assigned to: Judge Margaret M. Morrow  
Referred to: Magistrate Judge Alicia G. Rosenberg  
Case in other court: Superior Court of CA, Los Angeles  
County, BC486550  
Cause: 28:1441 Notice of Removal - Fair Credit Reporting  
Act

Date Filed: 09/14/2012  
Date Terminated: 08/29/2013  
Jury Demand: Plaintiff  
Nature of Suit: 890 Other Statutory  
Actions  
Jurisdiction: Federal Question

**Plaintiff****John Doe**represented by **Devin H Fok**

Law Offices of Devin H Fok  
P O Box 7165  
Alhambra, CA 98102-7165  
310-430-9933  
Fax: 323-563-3445  
Email: devin@devinfoklaw.com  
**ATTORNEY TO BE NOTICED**

**Joshua Eunsuk Kim**

A New Way of Life Reentry Project  
PO Box 875288  
Los Angeles, CA 90087  
323-563-3575  
Fax: 323-563-3445  
Email: joshua@anewwayoflife.org  
**ATTORNEY TO BE NOTICED**

V.

**Defendant**

**A-Check America, Inc.**  
*a California Corporation*

represented by **Gregory Lupton Wilkinson**

Gregory L Wilkinson, Attorney at Law  
1999 W 190th St  
Torrance, CA 90504  
310-750-3506  
Fax: 310-465-1991  
Email: glwilkinson@ain1.com  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Devin H Fok**

(See above for address)

**ATTORNEY TO BE NOTICED****Kenneth P Roberts**Kenneth P Roberts Law Offices APLC  
6355 Topanga Canyon Boulevard Suite  
403

Woodland Hills, CA 91367-2102

818-888-3553

Fax: 818-888-2686

Email: KRoberts@KPRLawinc.com

**ATTORNEY TO BE NOTICED****Ryan Paul Tish**Kenneth P Roberts APLC  
66355 Topanga Canyon Boulevard  
Suite 403

Woodland Hills, CA 91367

818-888-3553

Fax: 818-888-2686

Email: rtish@kprlawinc.com

**ATTORNEY TO BE NOTICED****Defendant****Does***1-10, Inclusive***Mediator (ADR Panel)****ASO Howard S Fredman**represented by **Howard S Fredman**Fredman Knupfer Lieberman LLP  
1875 Century Park East Suite 2200  
Los Angeles, CA 90067-2523  
310-226-6796

Fax: 310-226-6797

Email: hsflawyer@aol.com

**ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
09/14/2012	<u>1</u>	NOTICE OF REMOVAL from the Superior Court of CA, Los Angeles County, case number BC486550 with CONFORMED copies of summons and complaint. Case assigned to Judge Margaret M. Morrow, discovery to Magistrate Judge Alicia G. Rosenberg; (Filing fee \$ 350 PAID ); filed by defendant A-Check America, Inc.(esa) (mg). (Entered: 09/18/2012)
09/14/2012	<u>2</u>	NOTICE OF INTERESTED PARTIES filed by defendant A-Check America, Inc. (esa) (mg). (Entered: 09/18/2012)
09/14/2012	<u>3</u>	NOTICE TO PARTIES OF COURT-DIRECTED ADR PROGRAM filed.(esa) (Entered: 09/18/2012)

09/18/2012	<u>4</u>	NOTICE OF MOTION AND MOTION to Dismiss Each Cause of Action in Plaintiff's Complaint filed by Defendant A-Check America, Inc.. Motion set for hearing on 12/10/2012 at 10:00 AM before Judge Margaret M. Morrow. (Roberts, Kenneth) (Entered: 09/18/2012)
09/18/2012	<u>5</u>	MEMORANDUM in Support of MOTION to Dismiss Each Cause of Action in Plaintiff's Complaint <u>4</u> filed by Defendant A-Check America, Inc.. (Roberts, Kenneth) (Entered: 09/18/2012)
09/18/2012	<u>6</u>	REQUEST FOR JUDICIAL NOTICE re MOTION to Dismiss Each Cause of Action in Plaintiff's Complaint <u>4</u> filed by Defendant A-Check America, Inc.. (Roberts, Kenneth) (Entered: 09/18/2012)
09/19/2012	<u>7</u>	NOTICE OF MOTION AND Amended MOTION to Dismiss Third, Ninth and Tenth Causes of Action in Plaintiff's Complaint filed by Defendant A-Check America, Inc.. Motion set for hearing on 12/10/2012 at 10:00 AM before Judge Margaret M. Morrow. (Roberts, Kenneth) (Entered: 09/19/2012)
09/19/2012	<u>8</u>	MEMORANDUM in Support of Amended MOTION to Dismiss Third, Ninth and Tenth Causes of Action in Plaintiff's Complaint <u>7</u> filed by Defendant A-Check America, Inc.. (Roberts, Kenneth) (Entered: 09/19/2012)
09/19/2012	<u>9</u>	REQUEST FOR JUDICIAL NOTICE re Amended MOTION to Dismiss Third, Ninth and Tenth Causes of Action in Plaintiff's Complaint <u>7</u> filed by Defendant A-Check America, Inc.. (Roberts, Kenneth) (Entered: 09/19/2012)
09/25/2012	<u>10</u>	IN CHAMBERS ORDER DENYING DEFENDANT'S MOTION TO DISMISS <u>4</u> AS MOOT by Judge Margaret M. Morrow: The court denies the motion to dismiss as moot. See order for details. (ah) (Entered: 09/25/2012)
09/25/2012	<u>11</u>	IN CHAMBERS ORDER SETTING SCHEDULING CONFERENCE by Judge Margaret M. Morrow: Scheduling Conference set for 12/10/2012 10:00 AM before Judge Margaret M. Morrow. Joint 26(f) Report due 11/30/12. (ah) (Entered: 09/25/2012)
11/19/2012	<u>12</u>	[WITHDRAWN] FIRST AMENDED COMPLAINT against DEFENDANT A-Check America, Inc., Does amending Notice of Removal, <u>1</u> ; JURY DEMAND, filed by Plaintiff John Doe (bp) Modified on 11/28/2012 (ah). Modified on 11/28/2012 (ah). (Entered: 11/20/2012)
11/27/2012	<u>13</u>	NOTICE OF NON-OPPOSITION Memorandum in Support of Motion <u>8</u> filed by Plaintiff John Doe. (Fok, Devin) (Entered: 11/27/2012)
11/27/2012	<u>14</u>	Notice of Withdrawal of Amended Complaint 12 John Doe. (Fok, Devin) (Entered: 11/27/2012)
11/30/2012	<u>15</u>	IN CHAMBERS ORDER GRANTING Defendants Motion to Dismiss Plaintiffs Third, Ninth, and Tenth Causes of Action <u>7</u> by Judge Margaret M. Morrow: See order. (ah) (Entered: 11/30/2012)
11/30/2012	<u>16</u>	SCHEDULING NOTICE ADVANCING TIME OF SCHEDULING CONFERENCE by Judge Margaret M. Morrow previously scheduled for 12/10/12 10:00 AM has been rescheduled. Scheduling Conference set for 12/10/2012 09:00 AM before Judge Margaret M. Morrow. THERE IS NO PDF

		DOCUMENT ASSOCIATED WITH THIS ENTRY.(ah) TEXT ONLY ENTRY (Entered: 11/30/2012)
12/07/2012	<u>17</u>	JOINT RULE 26(f) REPORT filed by Plaintiff John Doe. (Fok, Devin) (Entered: 12/07/2012)
12/10/2012	<u>18</u>	MINUTES OF SCHEDULING CONFERENCE held before Judge Margaret M. Morrow. Final Pretrial Conference set for 9/23/2013 09:00 AM before Judge Margaret M. Morrow. Jury Trial set for 10/22/2013 08:30 AM before Judge Margaret M. Morrow. Telephone Conference set for 5/16/2013 05:30 PM. Court Reporter: C. Nirenberg. (ah) (Entered: 12/10/2012)
12/10/2012	<u>19</u>	ORDER/REFERRAL to ADR Procedure No 2 by Judge Margaret M. Morrow. Case ordered to Court Mediation Panel for mediation. Completion deadline 08/05/2013. (ah) (Entered: 12/10/2012)
12/21/2012	<u>20</u>	STIPULATION for Leave to to file a First Amended Complaint John Doe. (Attachments: # <u>1</u> Exhibit Proposed First Amended Complaint)(Fok, Devin) (Entered: 12/21/2012)
12/26/2012	<u>21</u>	ORDER GRANTING LEAVE TO FILE PLAINTIFF'S FIRST AMENDED COMPLAINT by Judge Margaret M. Morrow, re Stipulation for Leave <u>20</u> . Plaintiff shall manually filed the First Amended Complaint on or before January 7, 2013. (bp) (Entered: 12/26/2012)
01/07/2013	<u>22</u>	FIRST AMENDED COMPLAINT against defendants A-Check America, Inc., Does amending Notice of Removal <u>1</u> , filed by plaintiff John Doe. (bm) (bm). (Entered: 01/07/2013)
01/29/2013	<u>23</u>	STIPULATION for Leave to file a Second Amended Complaint A-Check America, Inc.. (Attachments: # <u>1</u> Proposed Order)(Fok, Devin) (Entered: 01/29/2013)
01/30/2013	<u>24</u>	STIPULATION REGARDING SELECTION of Panel Mediator filed. Parties stipulate that Howard S. Fredman may serve as Panel Mediator. Plaintiff obtained the Panel Mediators consent to serve. Filed by Plaintiff John Doe (Fok, Devin) (Entered: 01/30/2013)
01/31/2013	<u>25</u>	NOTICE OF ASSIGNMENT of Panel Mediator. Mediator (ADR Panel) Howard S Fredman has been assigned to serve as Panel Mediator. (mb) (Entered: 01/31/2013)
05/02/2013	<u>26</u>	NOTICE OF MEDIATION DATE filed. Mediation set for July 15, 2013. (Fredman, Howard) (Entered: 05/02/2013)
05/14/2013	<u>27</u>	SCHEDULING NOTICE CONTINUING TELEPHONE CONFERENCE by Judge Margaret M. Morrow previously scheduled for 5/16/13 5:30 PM has been rescheduled. Telephone Conference has been continued to 5/20/2013 05:15 PM before Judge Margaret M. Morrow. THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY.(ah) TEXT ONLY ENTRY (Entered: 05/14/2013)
05/17/2013	<u>28</u>	AMENDED SCHEDULING NOTICE by Judge Margaret M. Morrow re: Text Only Scheduling Notice, 27 Telephone Conference is continued to 5/22/2013

		05:15 PM before Judge Margaret M. Morrow. THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY.(ah) TEXT ONLY ENTRY (Entered: 05/17/2013)
05/21/2013	<u>29</u>	STATUS REPORT filed by Defendant A-Check America, Inc.. (Roberts, Kenneth) (Entered: 05/21/2013)
05/22/2013	<u>30</u>	ORDER GRANTING LEAVE TO FILE PLAINTIFF'S SECOND AMENDED COMPLAINT by Judge Margaret M. Morrow, re Stipulation for Leave <u>23</u> : 1. Based on the stipulations entered between the parties on January 18, 2013 (Docket No. 23) and good cause shown therefor, the Court hereby grants Plaintiff leave to file a Second Amended Complaint removing all allegations which were the subject matter of the Third, Ninth, and Tenth Causes of Action to the original Complaint and removing all references to and prayer for compensatory, special, general and punitive damages. 2. Defendant shall not be required to file a responsive pleading to the First Amended Complaint. 3. Plaintiff shall MANUALLY file the Second Amended Complaint on or before June 3, 2013. (bm) (Entered: 05/22/2013)
05/22/2013	<u>31</u>	MINUTES OF Telephone Status Conference held before Judge Margaret M. Morrow: Telephone status conference is held and counsel are present. The parties and the court discuss the status of discovery and settlement discussions. Court Reporter: None. (bm) (Entered: 05/31/2013)
06/03/2013	<u>32</u>	SECOND AMENDED COMPLAINT against defendants A-Check America, Inc., Does amending First Amended Complaint <u>22</u> , filed by plaintiff John Doe. (bm) (bm). (Entered: 06/04/2013)
06/05/2013	<u>33</u>	EXPARTE APPLICATION for Extension of Time to File Plaintiff's Motion to Compel Depositions (Attachments: # <u>1</u> Memorandum Plaintiff's Motion to Compel, # <u>2</u> Declaration of Devin H. Fok in Support, # <u>3</u> Proposed Order) (Fok, Devin) (Entered: 06/05/2013)
06/06/2013	<u>34</u>	OPPOSITION re: EXPARTE APPLICATION for Extension of Time to File Plaintiff's Motion to Compel Depositions <u>33</u> filed by Defendant A-Check America, Inc.. (Attachments: # <u>1</u> Declaration of Kenneth P. Roberts in Support of Defendant A-Check America, Inc.'s Opposition to Plaintiff's Ex Parte Application)(Roberts, Kenneth) (Entered: 06/06/2013)
06/17/2013	<u>35</u>	ANSWER to Amended Complaint <u>32</u> <i>Second</i> filed by Defendant A-Check America, Inc..(Tish, Ryan) (Entered: 06/17/2013)
06/26/2013	<u>36</u>	NOTICE OF MOTION AND MOTION for Summary Judgment as to Plaintiff's Second Amended Complaint and Each of the Causes of Action Therein filed by Defendant A-Check America, Inc.. Motion set for hearing on 9/16/2013 at 10:00 AM before Judge Margaret M. Morrow. (Attachments: # <u>1</u> Memorandum of Points and Authorities in Support of Motion for Summary Judgment, # <u>2</u> Declaration of Autumn Clemmens in Support of Defendant A-Check America, Inc.'s Motion for Summary Judgment, # <u>3</u> Declaration of Gary Hanley in Support of Defendant A-Check America, Inc.'s Motion for Summary Judgment, # <u>4</u> Proposed Order Re Defendant A-Check America, Inc.'s Motion for Summary Judgment)(Roberts, Kenneth) (Entered: 06/26/2013)



06/26/2013	<u>37</u>	STATEMENT of Uncontroverted Facts and Conclusions of Law in Support of Defendant A-Check America, Inc.'s Motion for Summary Judgment MOTION for Summary Judgment as to Plaintiff's Second Amended Complaint and Each of the Causes of Action Therein <u>36</u> filed by Defendant A-Check America, Inc.. (Roberts, Kenneth) (Entered: 06/26/2013)
06/26/2013	<u>38</u>	REQUEST FOR JUDICIAL NOTICE re MOTION for Summary Judgment as to Plaintiff's Second Amended Complaint and Each of the Causes of Action Therein <u>36</u> filed by Defendant A-Check America, Inc.. (Roberts, Kenneth) (Entered: 06/26/2013)
06/26/2013	<u>39</u>	NOTICE OF CONSTITUTIONAL QUESTION re MOTION for Summary Judgment as to Plaintiff's Second Amended Complaint and Each of the Causes of Action Therein <u>36</u> filed by Defendant A-Check America, Inc.. (Roberts, Kenneth) (Entered: 06/26/2013)
07/05/2013	40	TEXT ENTRY ONLY: Judge Margaret M. Morrow is participating in a pilot project regarding the submission of SEALED DOCUMENTS. Effective July 8, 2013, all proposed sealed documents must be submitted via e-mail to the Judge's Chambers email at MMM_chambers@cacd.uscourts.gov. Please refer to the judge's procedures and schedules for detailed instructions for submission of sealed documents. THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY.(ah) TEXT ONLY ENTRY (Entered: 07/05/2013)
07/22/2013	<u>41</u>	MEDIATION REPORT Filed by Mediator (ADR Panel) Howard S Fredman: Mediation held on July 15, 2013. The parties are unable to reach an agreement at this time.(Fredman, Howard) (Entered: 07/22/2013)
08/05/2013	<u>42</u>	[STRICKEN] NOTICE OF MOTION AND MOTION for Sanctions - Terminating Against Defendant A-Check America, Inc. <i>filed by Plaintiff</i> John Doe. Motion set for hearing on 8/26/2013 at 10:00 AM before Judge Margaret M. Morrow. (Attachments: # <u>1</u> Declaration of Devin H. Fok in Support, # <u>2</u> Exhibit 1, # <u>3</u> Exhibit 2, # <u>4</u> Exhibit 3, # <u>5</u> Exhibit 4, # <u>6</u> Exhibit 5, # <u>7</u> Exhibit 6, # <u>8</u> Exhibit 7)(Fok, Devin) Modified on 8/6/2013 (ah). (Entered: 08/05/2013)
08/06/2013	43	TEXT ONLY ENTRY STRIKING MOTION FOR SANCTIONS <u>42</u> by Judge Margaret M. Morrow previously scheduled for 8/26/2013 10:00 am has been terminated. The motion is a discovery matter and should be brought before the magistrate judge assigned to the case. THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY. (ah) TEXT ONLY ENTRY (Entered: 08/06/2013)
08/29/2013	<u>44</u>	NOTICE OF SETTLEMENT OF ENTIRE ACTION John Doe. (Fok, Devin) (Entered: 08/29/2013)
08/29/2013	<u>45</u>	ORDER DISMISSING CASE by Judge Margaret M. Morrow, re Notice (Other) <u>44</u> Case Terminated. Made JS-6. (ah) (Entered: 08/29/2013)

<b>PACER Service Center</b>
<b>Transaction Receipt</b>

09/03/2013 12:50:54			
<b>PACER Login:</b>	cc0209	<b>Client Code:</b>	H29.131 CCM
<b>Description:</b>	Docket Report	<b>Search Criteria:</b>	2:12-cv-07960-MMM-AGR End date: 9/3/2013
<b>Billable Pages:</b>	5	<b>Cost:</b>	0.50